

## **Division III. Sign Code**

### **Chapter 18.76**

#### **SIGN CODE**

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## **Article I. General Provisions and Definitions**

### **18.76.010 Purpose of provisions.**

A. Signs have an obvious impact on the character, quality and economic health of the city. As a prominent aspect of the scenery they either attract or repel the viewing public, and affect the safety of vehicular and pedestrian traffic. Their suitability and appropriateness help to set the tone of a neighborhood. The purpose of this chapter is to control signs in a manner which will maintain a high quality of development throughout the city. It is the intent of the city that commercial and industrial development be in harmony with a residential community.

B. The regulations contained in this chapter are intended to:

1. Promote more effective visual communications for the nature of the goods and services available, and to recognize the economic necessity of signs;
2. Protect and enhance the character and natural beauty of the community and its various neighborhoods and districts;
3. Protect those uses which are adequately and appropriately identified from too many and too large signs in their environs;
4. Protect commercial districts from sign clutter;
5. Protect the public's ability to identify uses and premises without confusion;
6. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;
7. Assure the maintenance of signs;
8. Implement the community design policies of the General Plan. (Ord. 560 N.S. § A (part), 1981)

### **18.76.020 Definitions.**

(Note: Illustrations of certain types of signs are set out at the end of this chapter.)

1. "Abandoned sign" means a sign which no longer directs, advertises or identifies a legal business establishment, product or activity on the premises where such sign is displayed.
2. "Advertising message" means that copy on a sign describing products or services being offered.
3. "Animated sign" means any sign which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting (see illustration at end of chapter).

4. "Architectural projection" means a marquee, porch, canopy or other similar projection.

5. a. "Area of a sign" means the entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space, together with any frame or other material, color or condition, which forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which the sign is placed.

b. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet.

c. Where a sign consists only of individual letters, numerals, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

6. "Awning" means a temporary shelter supported entirely from the exterior wall of a building, and composed of nonrigid materials, except for the supporting framework (see illustration at end of chapter).

7. "Billboard" means an outdoor freestanding advertising signboard usually an off-site sign with a sign area exceeding forty-eight square feet except that off-site freeway oriented signs described in Section 18.76.270.C.4. are not considered to be billboards.

8. "Building attached sign" means an any sign which is fastened, attached, connected or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground (see illustration at end of chapter).

9. "Building face" means all window and wall areas of a building in one plane or elevation (see illustration at end of chapter).

10. "'Building frontage" means a single linear length of a building facing a public right-of-way, or which contains a public entrance. Where a building faces on more than one public right-of-way, or contains more than one entrance, the single greatest length of the building facing the public right-of-way shall be considered the building frontage (see illustration at end of chapter).

11. "Building inspector" means the chief building official or his duly authorized representative.

12. "Business frontage" means that primary frontage within a parcel of land or building complex in which the user's business is located.

13. "Canopy" or "marquee" means a permanent roof-like shelter extending from part or all of a building face, and constructed of some durable material, which may or may not project over a public right-of-way (see illustration at end of chapter).
14. "Changeable-copy sign" means a sign on which copy is changed manually or electrically (see illustration at end of chapter).
15. "Community activity sign" means a temporary sign advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the city.
16. "Community Signs" are signs designed and installed by the city, or by a community group with the approval of the city, to identify the city, its neighborhoods and business districts and community facilities. Community signs may identify the community as seen from the South Valley Freeway; identify the community and its service organizations as seen from Monterey Highway intersections with other specified major streets; or direct traffic at intersections of arterial streets with the South Valley Freeway or with other arterial streets.
17. "Construction sign" means a temporary sign identifying the persons, firms or businesses directly connected with a construction project.
18. "Development project sign" means a temporary sign identifying a proposed development project, or one under construction.
19. "Directional sign" means an on-premises incidental sign designed to guide or direct pedestrian or vehicular traffic (see illustration at end of chapter).
20. "Directory sign" means a sign displaying two or more businesses located within one building or business complex.
21. "Exempt sign" means a sign exempted from normal permit requirements.
22. "Externally illuminated sign" means a sign whose illumination is derived entirely from an external artificial source.
23. "Flashing sign" means an illuminated sign which exhibits changing light or color effected by blinking or any other such means so as not to provide a constant illumination.
24. "Freestanding sign" means a sign erected to a freestanding frame or support, not attached to any building. Examples of freestanding signs are monument signs and pole signs (see illustrations at end of chapter).
25. "Front footage of building occupancy" means a single lineal dimension, measured horizontally along the front of a building, which defines the limits of a particular occupancy at that location (see illustration at end of chapter).
26. "Graphics" means signs relating to, or representing, by a symbol or word, or the symbols or devices used in conveying a meaning or message.
27. "Height of sign" means the vertical distance, measured from the adjacent street grade or upper surface of the nearest curb of a street other than an elevated roadway, whichever permits the greatest height, to the highest point of the sign.

28. "Incidental sign" means a small sign pertaining to goods, services, products or facilities which are available on the premises where the sign occurs, and intended primarily for the convenience of the public.

29. "Individual letter sign" means any sign made of self-contained letters that are mounted on the building.

30. "Marquee." See "canopy."

31. "Modular sign" means a sign with more than two faces identifying the same product or use.

32. "Monument sign" means a freestanding sign with a solid base.

33. "Moving sign" means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement (see illustration at end of chapter).

34. "Nameplate" means a sign which designates the name and address of a person or persons occupying the premises upon which it is located.

35. "Nonconforming sign" means a sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the new provisions of the code.

36. "Off-site sign" (also known as off-premises sign, billboard and poster panel) means any sign which advertises goods, products, services or facilities not necessarily sold on the premises on which the sign is located (see illustration at end of chapter).

37. "On-site sign" (also known as on-premises and business sign) means any sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

38. "Parapet" or "parapet wall" means that portion of a building wall that rises above the roof level.

39. "Parcel of property" means a parcel of land shown on a subdivision map, record of survey map, parcel map, or a parcel described by metes and bounds, which constitutes one development site (see illustration at end of chapter).

40. "Pole sign" means a freestanding sign supported by one or more poles or pylons, as opposed to a solid base support.

41. "Political sign" means a sign designed for the purpose of soliciting support of, or opposition to, a candidate or proposition at a public election.

42. "Portable sign" means any movable sign not permanently attached to the ground or building (see illustration at end of chapter). Portable signs in the Central Commercial-Residential zoning district along Monterey Road are subject to restrictions of Section 18.76.260.P.

43. "Premises" means a parcel of property, or that portion thereof occupied by one tenant.

44. "Projecting sign" means a sign which is attached to and projects from the structure or building face, and is not parallel to the structure to which it is attached (see illustration at end of chapter).

45. "Public notice sign" means a sign placed temporarily on a property in connection with a pending application, in a format approved by the Community Development Department.

46. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news, or traffic control, etc. (see illustration at end of chapter).

47. "Real estate sign or property sign" means any temporary sign pertaining to the sale, exchange, lease or rental of land or buildings.

48. "Roofline" means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

49. "Roof sign" means any sign erected upon, against, or directly above a roof or top of or above the parapet of a building (see illustration at end of chapter).

50. "Rotating sign" means any sign or portion thereof which physically revolves about an axis.

51. "Sign" means any written (including letters, words or numerals) or pictorial presentation (including illustration), decoration, emblem, flag, or any other device, figure, logo or similar character which:

a. Is located and maintained as a freestanding structure or any part of a structure, or located and maintained on a building or other structure or device by being placed, installed, attached, affixed, fastened, pasted, posted, painted, printed, nailed, tacked or in any other manner thereon or thereto; and

b. Is used to announce, direct attention to, identify or advertise; and

c. Is visible from outside any building or structure (see illustration at end of chapter).

52. "Street frontage" means the length of a lot or parcel of land along or fronting on a street or streets (see illustration at end of chapter).

53. "Subdivision real estate sign" means a sign which is installed on a temporary basis to advertise a new subdivision, townhouse or condominium project.

54. "Temporary sign" means a sign which is installed for a limited time (see illustration at end of chapter).

55. "Temporary window sign" means a sign painted or constructed of paper or other lightweight material, and affixed to the interior or exterior side of a window or glass area on a building for a limited time.

56. "Testing laboratories" means a nonprofit organization which establishes standards for electrical and mechanical equipment having received laboratory approval.

57. "Total aggregate sign area" means the total display area of a copy for each sign located on the premises, measured in square feet, but not including temporary signs or traffic-directional signs.

58. "Uniform sign program" means standards of size, construction material and illumination established for signs located within a shopping center or building complex containing more than one store.

59. "Unlawful sign" means a sign which is installed without a lawful permit, where a permit is required.

60. "Use" means the purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

61. "Wall sign" means a sign attached to or erected against a wall of a building and any sign affixed in such a way that its exposed face is parallel to the plane of a building (see illustration at end of chapter).

62. "Window sign (permanent)" means a permanent sign installed or painted inside or outside a window or glass area for purposes of viewing from outside the premises. (Ord. 1243 N.S. § 3, 1995; Ord. 1134 N.S. §§ 6-10, 1993; Ord. 1111 N.S. § 54, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

## **Article II. General Regulations and Permits**

### **18.76.030 Permit--Required when.**

No sign shall be constructed, maintained, displayed or altered within the city except pursuant to a sign permit obtained as provided in this chapter, unless the sign is specifically exempted from permit requirements pursuant to Section 18.76.040 of this chapter. Every sign permit issued by the community development director or his representative shall become null and void if installation of the sign is not commenced within twelve months from the date of such permit. If work authorized by the permit is suspended or abandoned for a period of one hundred twenty days any time after the work is commenced, a new permit or renewal shall first be obtained. (Ord. 1111 N.S. § 55, 1992; Ord. 560 N.S. § A (part), 1981)

### **18.76.040 Exempt signs designated.**

The following signs shall be allowed without community development director approval, pursuant to Section 18.76.060 of this chapter, and shall not be required to obtain a sign permit pursuant to Section 18.76.030 of this chapter, unless otherwise provided herein:

- A. Memorial signs or tablets, names of buildings and date of erection, when cut into masonry, bronze, or other incombustible material;
- B. Traffic or other governmental signs, legal notices, railroad crossing signs, danger signs, and signs of utility companies designating public utility locations;
- C. Temporary signs not exceeding sign area permitted in Sections 18.76.230 through 18.76.270 of this chapter, displayed behind a window or upon a building, as long as the sign is not being used as a substitute for a business identification sign; temporary signs shall be permitted for display for a period not exceeding sixty days in duration;
- D. Community activity signs shall not exceed thirty-two square feet in sign area and shall not exceed eight feet in height when freestanding. All community activity signs shall be permitted for display for a period not exceeding sixty days in duration. Community activity signs may exceed the area limitation subject to the approval of the community development director. All community activity signs shall be erected only as approved by the building official as to location, safety, and period of display. At such time as a sign cable is installed by the city, all community activity signs shall be restricted to the sign cable location. The signs must be removed within seven days following the event;
- E. Temporary signs warning of construction, excavation or similar hazards, so long as the hazard exists;

F. One temporary sign not exceeding thirty-two square feet, used to indicate owner, builder, architect, and permanent data regarding building construction on the building site, during construction only;

G. Temporary holiday decorations, provided that such decorations are displayed for a period of not more than forty-five consecutive days, or no more than sixty days in one year;

H. Temporary signs indicating that the property is for sale, rent or lease. Only one such sign is permitted to face each street adjacent to the property. Such signs may be single-faced or double-faced, and are limited to six square feet or less on property in residential zones, and thirty-two square feet in nonresidential zones;

I. "No Trespassing" signs, each not more than one square foot in size, placed at each corner and each entrance to property, and at intervals of not less than one hundred feet, or in compliance with the requirements of law;

J. Identification signs for residents, limited to not more than one square foot for each residence located on a lot of less than five net acres, and limited to not more than twenty square feet for residences located on lots of five or more net acres;

K. Parking lot and other private traffic-directional signs, each not exceeding five square feet in area, and limited to guidance of pedestrian or vehicular traffic within the premises on which they are located;

L. Miscellaneous permanent information signs in nonresidential zones, with an aggregate area not to exceed three square feet at each public entrance, nor ten square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit information, and emergency addresses and telephone numbers;

M. Signs which provide direction or instruction, and are located entirely on the property to which they pertain, and do not in any way advertise a business and do not exceed six square feet in area, including signs identifying restrooms, public telephones and those of similar nature;

N. The flag of the United States and the California state flag;

O. House numbers and nameplates not exceeding four square feet in area for each dwelling;

P. Political or campaign signs on behalf of candidates for public office or measures on election ballots, providing that such signs are erected no sooner than the close of the filing period for the election to which they relate, or not more than ninety days prior to such election, whichever period is longer. The signs must be removed within seven days following the election;

Q. Public signs, required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location or illumination as required by law, state or ordinance under which the signs are erected;

R. Temporary real estate open-house signs, for sale of homes which are not part of newly developed subdivisions and which do not exceed six square feet in area each. Such signs

must be placed within 300 ft. of the home for sale outside of the public right-of-way and are to be removed at dusk each day. No more than three (3) such signs may be permitted for each open-house;

S. Barber poles;

T. Theater poster display signs, including all display cases mounted on theater buildings and designed to exhibit coming attractions for movies, plays or similar events.

U. Community identification monuments on property owned or leased by the City; and directional signs within street or State highway rights-of-way, which may include directions to business districts by name and to community facilities such as City Hall and City parks, are included under this definition as being exempt, where located and approved by Ordinance. (Ord. 1473 N.S. § 37, 2000; Ord 1323 N.S. § 31, 1997; Ord. 1215 N.S. § 66, 1995; Ord. 1134 N.S. § 11, 1993; Ord. 1111 N.S. § 56, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 779 N.S. (part), 1986; Ord. 560 N.S. § A (part), 1981)

#### **18.76.050 Permit--Application requirements.**

Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the department of community development. Such application shall include plans, drawings and other descriptive materials sufficient to depict the sign proposal, as well as all other proposed or existing signage on the same property, and to enable evaluation of the proposal's conformance with the sign regulations. Authorization of the property owner shall be required to submit a sign permit application. (Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

#### **18.76.070 Administrative review required.**

A. The following signs shall be subject to review and action by the community development director or his authorized representative as provided for in Section 18.76.050:

1. Sign copy changes;
2. Freestanding and building-attached signs defined under Sections 18.76.240 through 18.76.290 of this title.

B. All provisions of this chapter, except Section 18.76.130, shall apply to signs regulated by this administrative review. The director of community development may impose only such conditions as will assure compliance with the provisions of this chapter and Chapter 18.74 of this title exempting all political signs from administrative review.

C. It is unlawful for any person, firm or corporation, directly or indirectly, to construct, maintain, display or alter a sign without first securing the review and approval thereof from the community development director, unless the sign is specifically exempted from this requirement pursuant to the regulations contained in this chapter. (Ord. 1111 §§ 58 and 59, 1992; Ord. 980 N.S. § 3 (part), 1990; Ord. 560 N.S. § A (part), 1981)

#### **18.76.075. Conditional Use Permit Required.**

A. The following signs may be conditionally allowed subject to the issuance of a Conditional Use Permit in accordance with Chapter 18.54 of this title:

1. Changeable copy signs along Highway 101 for automotive-related businesses, provided that the message change on the sign is no more frequent than every two minutes. Such signs shall not be allowed when located more than one hundred feet from the South Valley Freeway.

2. Business identification freeway-oriented signs, as described in Section 18.76.270.C.4., which are designed to identify two or more businesses, one or more of which is located on the project or development on which the sign is located, and one or more of which is located in another project or development. Signs which only identify businesses in a single shopping center on which such signs are located do not require conditional use permits under this section. (Ord. 1134 N.S. § 12, 1993)

#### **18.76.080 Building permits required when.**

Sign permit applications shall be examined by the chief building official. When, in his determination, a separate building, electrical or plumbing permit is required, the applicant shall be notified, and the sign permit shall not be issued until such other permits are obtained from the building division of the community development department. (Ord. 560 N.S. § A (part), 1981)

#### **18.76.090 Encroachment permit required when.**

Any sign which projects into the public right-of-way cannot be installed without encroachment permit approval by the public works director. (Ord. 560 N.S. § A (part), 1981)

**18.76.100 Permit--Fees.**

Any person filing for a sign permit shall, at the time of filing the application, pay to the community development department a fee to cover the processing of the application, sign inspection, and issuance of the permit, as set by city council resolution. (Ord. 560 N.S. § A (part), 1981)

**18.76.110 Inspections for permitted signs.**

All signs for which permits are required shall be subject to inspection as follows:

- A. Footing inspections will be required for all freestanding signs;
- B. Electric signs shall be inspected before or during erection;
- C. All signs may be reinspected at the discretion of the building official. (Ord. 560 N.S. § A (part), 1981)

**18.76.120 Environmental effects.**

The city council finds that this chapter shall not have any significant adverse environmental impact. The city council also finds that this chapter is exempt under the provisions of Title 15, California Administrative Code Section 15308, as a Class 8 categorical exemption, on action taken to assure the maintenance, restoration, enhancement or protection of the environment. (Ord. 1111 N.S. § 60, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

**18.76.130 Prohibited signs.**

A. In addition to any sign not specifically in accordance with this chapter, the following signs are prohibited:

- 1. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic;
- 2. Signs attached to or placed adjacent to any utility pole, parking meter, traffic signpost, traffic signal, or any other traffic-control device, in accordance with Section 21464 of the California Vehicle Code;

3. Private signs, other than permitted projecting signs, located on or extending over public property without a valid encroachment permit, or for signs described in Section 18.76.260.P of this chapter;

4. Signs erected without permission of the owner (or his agent) of the property on which the sign is located;

5. Temporary signs visible from a public street, attached to or placed on merchandise or materials stored or displayed outdoors, unless approved as a part of a use permit, or temporary use permit, used to advertise agricultural fruit stand produce, or used in conjunction with a sale existing for no more than twenty days;

6. Highly reflective and fluorescent painted signs;

7. Any sign which does not conform with the following powerline clearance requirements, provided that further restrictions adopted by the California Public Utilities Commission shall be followed:

Minimum Clearance of Signs from Conductors	Less Than 750 Volts	Greater Than or Equal to 750 Volts
Vertical clearance		
Above sign	3 feet	8 feet
Below sign	3 feet	Prohibited
Horizontal clearance		
From conductors	3 feet	6 feet
From poles	4 feet	6 feet

8. Rotating, revolving, flashing, animated, moving, glaring, changing, reflecting or blinking signs, or signs which appear to do any of the foregoing, whether such signs are located on the exterior of the premises or on the interior for viewing from the exterior, except that a changeable copy message board for automotive-related businesses adjacent to the South Valley Freeway, and which meets the requirements of Section 18.76.075, is not a prohibited flashing sign;

9. Billboard signs;

10. Roof signs extending above the eave or parapet line, except when, in the opinion of the community development director, the sign is a complimentary architectural part or feature of the building;

11. Off-site directional or identification signs, except public-service signs and no more than three real estate signs, as permitted in subsections D and E of Section 18.76.240 and subsection C(1) of Section 18.76.290, temporary directional signs as permitted in subsection K of Section 18.76.240, no more than two off-site directional signs for churches and other quasi-public uses, as permitted in Sections 18.76.240 and 18.76.250, off-site directional signs for full-service community hospitals as permitted in Subsection Q of Section 18.76.250 or business identification freeway-oriented signs, approved by conditional use permit, as permitted in subsection C(1) of Section 18.76.270;

12. Portable signs, such as sandwich boards or A-frame signs, except temporary real estate open-house directional signs permitted in residential zoning districts only, and excepting portable signs along Monterey Road in the Central Commercial-Residential zoning district, as described in Section 18.76.260.P of this chapter;

13. Auto "for sale" signs on public or commercial property for more than one vehicle or item, except when conducted as part of a licensed business;

14. Signs projecting over a public or private vehicular roadway, except for community activity signs pursuant to subsection D of Section 18.76.040 of this chapter, and except for signs receiving an encroachment permit from the public works director;

15. Signs which advertise a business not having an active business license on file with the city;

16. Signs emitting audible sounds, odor, or visible matter;

17. Flags, other than those of the United States of America and the state of California;

18. Any sign that utilizes visible guy wires, angle irons and iron frame structures;

19. Banners, pennants, searchlights, twirling signs, curb signs, balloons or other gas-filled figures (see illustration at end of chapter). Banners may be permitted at the opening of a new business or for promotional events with prior approval only for a total period not exceeding ten days within any ninety day period; The size of a banner shall not exceed twice the allowable sign area for building attached signs permitted for the business frontage;

20. Miscellaneous signs and posters, and the tacking, pasting or otherwise affixing of signs of a miscellaneous character on the walls of buildings, barns, sheds, trees, poles, posts, fences or other structures, are prohibited unless otherwise provided for in this chapter;

21. Any sign affixed to any vehicle or trailer on a public right-of-way or public property, unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting people to a place of business (see illustration at end of chapter). All vehicles used as part of normal business service or activity must be stored on-site.

B. No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator or window, or similar opening; provided, however, that the

director of building inspections may approve a swinging sign or other form of sign or its attachment when, in his judgment, such sign will not restrict access to such openings. (Ord. 1473 N.S. § 38, 2000; Ord. 1415 N.S. § 40, 1998; Ord. 1323 N.S. § 32, 1997; Ord. 1264 N.S. § 1, 1996; Ord. 1243 N.S. § 4, 1995; Ord. 1215 N.S. § 67, 1995; Ord. 1134 N.S. §§ 13, 14, 1993; Ord. 1111 N.S. § 61, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 899 N.S. §§ 2 (part), 21 (part), 1989; Ord. 779 N.S. (part), 1986; Ord. 560 N.S. § A (part), 1981)

### **Article III. Design Standards**

#### **18.76.140 Design criteria for consideration.**

In determining the sign area, height, projection and clearance to be authorized, the community development director shall consider the following factors:

- A. The size, scale, magnitude and design of the structure, building or use such proposed sign is to serve;
- B. The size, scale and magnitude of structures, buildings and uses adjoining or in the vicinity of the sign proposed;
- C. Views and view corridors;
- D. The design of the sign in relation to adjoining or nearby signs;
- E. Policies, as set forth in Section 18.74.020 of this title. (Ord. 1111 N.S. § 62, 1992; Ord. 560 N.S. § A (part), 1981)

#### **18.76.150 Conformance conditions.**

Signs subject to review by the community development director shall conform to a number, sign area, height, projection and illumination determined by the director to be adequate, but not excessive, for identification, proper scale in relation to the building, harmony with the character of the building and vicinity, and conformance to the policies contained in Section 18.74.020 of this chapter. (Ord. 1111 N.S. § 63, 1992; Ord. 560 N.S. § A (part), 1981)

#### **18.76.160 Sign programs for projects.**

Projects or buildings containing more than one store should have an overall planned sign program. The overall planned sign program shall be attached to the lease agreements for all leasable space within the project. (Ord. 560 N.S. § A (part), 1981)

#### **18.76.170 Location restrictions.**

Any business identification sign permitted under this chapter shall advertise only the business conducted on or within the premises upon which the sign is located. However, the Planning Commission may approve by conditional use permit location of a sign to be placed

within one hundred feet of the South Valley Freeway (U.S. 101) on which may be advertised commercial businesses eligible under Section 18.76.270.C.4. Such a sign may be located in an H-C, C-G, PUD, TUD or M-O zoning district. The purpose of this provision is to allow eligible commercial businesses or shopping centers to place identification signs closer to the motorists on the freeway, thus reducing the area and height which would otherwise be needed to identify the business. Such a sign shall comply with all otherwise applicable requirements of this title and of site review. (Ord. 1134 N.S. § 15, 1993; Ord. 560 N.S. § A (part), 1981)

#### **18.76.180 Computation of frontage and sign area.**

A. "Sign area" shall be computed and measured by the area of the largest face of the sign copy within the perimeter which forms the outside shape, including all sides, faces, and any frame which forms an integral part of the display, but excluding necessary supports or uprights on which the sign may be placed. Where there is no physical frame defining the perimeter of the sign, the area shall consist of that portion of the sign within a single continuous perimeter enclosing the extreme limits of the sign copy. On double-faced signs, only that face (or faces) visible from any one direction at one time will be counted.

B. The street frontage is used in computing the ratio of lineal front feet to square feet of signage for freestanding or detached signs. The building frontage is used in computing the ratio of lineal front feet to square feet of signage for wall, projecting and other signs.

C. Premises fronting on more than one public right-of-way may not combine permissible freestanding sign area of one frontage with another frontage (see illustration at end of chapter). (Ord. 560 N.S. § A (part), 1981)

#### **18.76.190 Sign message limitations.**

Signing should consider minimum information only. The name of the business or residential complex shall be the dominant message on the sign. (Ord. 560 N.S. § A (part), 1981)

#### **18.76.200 Freestanding signs.**

All freestanding signs shall be located in a landscaped planting area. Monument-type freestanding signs are encouraged. (Ord. 560 N.S. § A (part), 1981)

**18.76.210 Pole and roof signs.**

Pole and roof signs are to be considered only after alternative solutions are proven not feasible. Approval of such signs shall be contingent upon the individual physical features of the specific site. Subsection 10 of Section 18.76.130 shall govern all approvals of roof signs. (Ord. 560 N.S. § A (part), 1981)

**18.76.220 Projecting signs and sign clearance.**

A. Projecting signs shall be permitted in the CC-R, C-G, HC, TUD, PUD, CS and CO zones exclusively.

B. All projecting signs must be double-faced, except signs placed flat against a building, or projecting V-shaped signs attached to a building at the open points of the V.

C. A sign which projects into or above a public alley shall be located not less than fourteen feet above the alley grade, and shall not project more than twelve inches from the building face.

D. No permit for any sign shall be issued, and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof.

E. For signs placed flat against a building, the outside face of the sign may extend no more than eighteen inches from the wall of such building. Such signs may project over a public right-of-way a distance not exceeding such eighteen-inch depth. (Ord. 1111 N.S. § 64, 1992; Ord. 560 N.S. § A (part), 1981)

## Article IV. Types of Signs

### 18.76.230 Applicability of provisions.

No signs shall be permitted to be constructed, maintained or displayed in any zoning district within the city, except as provided in Sections 18.76.230 through 18.76.270 of this chapter. (Ord. 560 N.S. § A (part), 1981)

### 18.76.240 Residential zone signs.

The following signs are permitted in the O-S open space; R-E residential estate; R-1 single-family residential; R-2 multifamily, medium-density residential; and R-3 multifamily, medium-density zones:

A. Construction Signs. One per premises or subdivision; sign area of thirty-two square feet maximum; location no closer than five feet from property line; nonilluminated; fifty-dollar bond to building official at time of permit issuance, to be returned upon removal of the sign within thirty days of completion of sale of lots or homes; cannot be installed before thirty days prior to commencement of construction; design review not required; permit issued by community development director.

B. Real Estate Signs. One per premises or subdivision; sign area of six square feet **with a maximum sign height of four feet** if site is less than 2.5 acres, thirty-two square feet if site exceeds 2.5 acres; sign height eight feet maximum; location, no closer than five feet from property line; nonilluminated; no panel can exceed eight feet in length, shall be submitted by sign applicant at time of permit issuance for subdivision real estate sign only, to be returned upon removal of sign no later than three days after completion of sale; design review not required; subdivision real estate sign permit issued by community development director and expires one year from date of issuance.

C. Model Home Subdivision Signs. One per model home; sign area six square feet maximum; freestanding sign height six feet maximum; location, no closer than five feet from property line; nonilluminated; signs shall be removed no later than three days after completion of sale; design review not required; permit issued by community development director and expires one year from date of issuance.

D. Subdivision Identification Signs. One sign per subdivision; sign area, thirty-two square feet maximum; maximum sign height eight feet; no panel face can exceed eight feet maximum; nonilluminated; location, no closer than five feet from property line; to be removed no later than thirty days after completion of sale unless sign is to remain permanently; design re-

view not required for temporary signs; temporary sign permit issued by community development director and expires after one year from date of issuance.

E. Subdivision Directional Signs. No more than two per subdivision; sign area thirty-two square feet maximum; no panel can exceed eight feet; freestanding sign height eight feet maximum; nonilluminated; can be located no nearer than fifty feet from a residence or other directional sign, and no closer than five feet from property line; five hundred dollar bond to building official at time of permit issuance, to be returned to applicant upon removal of signs, not to exceed thirty days after completion of sale; design review not required; permit issued by community development director and expires one year from date of issuance.

F. Institutional Identification Signs. One per each street frontage; located no closer than five feet from property line; for multiple-family buildings, planned residential developments, residential condominium projects, group quarters, churches and similar institutional uses; sign area, maximum thirty-two square feet; freestanding sign height, maximum six feet; source of illumination shall not be visible from adjacent properties; shall be located a minimum of five feet inside the property line; permit issued by community development director pursuant to Section 18.76.070 unless site improvement subject to Chapter 18.74.

G. Single Dwelling Identification Signs. One identification sign not exceeding one square foot in area for each dwelling unit located on a lot of less than five net acres, or one sign not exceeding twenty square feet located on a lot of twenty or more net acres; freestanding sign height, maximum six feet; no sign permit required.

H. Directional Entry and Exit Signs. Directional entry and exit signs are permitted, providing each sign does not exceed two square feet in area and five feet in height, and providing the building use has parking space for at least ten vehicles; design review not required; permit issued by community development director, pursuant to Section 18.76.070.

I. Governmental Agency Signs. Identification signs, bulletin boards and other similar structures for governmental agencies, which may be regulated by the city, are subject to approval by the community development director pursuant to Section 18.76.070 of this chapter.

J. Off-site Directional Signs. A maximum of two off-site directional signs are permitted for churches and other quasi-public uses subject to approval by the community development director. The directional signs shall be located in the public right-of-way and designed according to standard city specifications. Signs will be installed and maintained by the city at the applicant's expense.

K. Temporary Directional Signs in Park strips by Permit. Temporary directional signs may be located within Park strips between the curb and sidewalk or behind the sidewalk within the public right-of-way according to the following criteria:

1. The signs shall be used only to provide direction to model home complexes for residential subdivisions;
2. Shall be limited to one directional sign program per residential subdivision.

3. Shall require approval of a temporary use permit pursuant to Section 18.54.160(G) of Chapter 18.54 of this chapter.

4. Each permit:

a. May be for up to thirty (30) signs directing traffic to the model homes sales complex.

b. Shall be limited to one year and renewable only upon application for renewal within thirty (30) days prior to expiration and payment of a new temporary use permit fee.

c. Shall include a map showing the proposed location of each directional sign.

d. Shall require insurance naming the City as an additional insured, in coverage amounts and types as required by the City Risk Manager.

e. Shall require indemnification of the City by the permittee.

f. Shall provide that any sign may be removed by City if necessary for maintenance activities or safety considerations.

g. Shall provide (1) that any sign may be placed on a park strip or behind the sidewalk only with the consent of the property owner and/or occupant of the parcel adjacent to the park strip or sidewalk where the sign is placed, and (2) that the property owner and/or occupant of the parcel adjacent to the park strip or sidewalk where the sign is placed may remove such sign.

h. Shall be revocable by the City upon thirty (30) days notice, or at any time for safety considerations.

5. Each sign:

a. Shall consist of a sign area no larger than four (4) square feet per side.

b. Shall be constructed of flexible and weatherproof plastic or reinforced paper material that is permanently attached to a plastic or wooden stake. The top of the stake shall be flat or rounded and shall not be pointed.

6. Signs may be displayed in the period from 5:00 p.m. on Friday to no more than four hours after sunset on Sunday, and from 5:00 p.m. on the day prior to a holiday to no more than four hours after sunset on the day of the holiday. Stakes and cable ties must be removed when the signs are removed.

7. Sign shall be securely positioned and shall be either:

a. Staked into the ground, or

b. Attached to poles or posts by means of at least two (two) plastic strips that are a minimum of one-quarter (1/4) inch wide (commonly known as "cable ties"), provided that no sign may be attached to any utility pole, traffic signal light post or to any pole or post displaying a traffic sign, motorist call box or historical marker as provided in Section 21464(a) of the California Vehicle Code. Where placement on a pole is allowed, a maximum of one directional sign may be installed. Cable ties must be sufficiently spaced to insure that the support stake is mounted parallel to the pole or post.

8. Signs shall not be located:
  - a. Within 500 feet, on the same public right-of-way and facing in the same direction, of another sign directing traffic to the same model home complex, or within 25 feet of another sign directing traffic to a different model home complex, except that a maximum of two (2) signs directing traffic to the same model home complex may be located on the same public right-of-way at a distance no less than fifty (50) feet of an intersection if the signs are directing traffic to turn at the intersection.
  - b. Within eighteen (18) inches of the curb along any curb where parking is allowed.
  - c. In any bus stop zone.
  - d. So that any part of the sign extends into any bus stop zone or sidewalk area.
  - e. Within twenty (20) feet of a driveway or curb cut access ramp.
  - f. On medians, street barricades or on any structure located within the unimproved portions of the public right-of-way which exists beyond any face of curb or future curb line.
  - g. Within twenty (20) feet of any official traffic control sign or device as defined in Sections 440 and 445 of the California Vehicle Code, which includes any sign, signal, markings, or device, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
  - h. Along any State or County right-of-way.
  - i. In the Downtown CC-R Sign Zone.
9. Other Regulations:
  - a. Maximum height of any part of sign while displayed shall be four (4) feet.
  - b. Signs may contain only messages directing vehicular or pedestrian traffic to the model home complex.
  - c. Signs shall not be illuminated, inflatable or have moving parts.
  - d. Signs shall not be attached in any manner to trees, utility poles, utility cabinets, street or traffic signs, benches, hydrants, mail boxes, traffic signal light post, or any pole or post displaying a traffic sign, motorist call box or historical marker as provided in Section 21464(a) of the California Vehicle Code.
  - e. Signs shall not include balloons, streamers, ribbons or other similar devices designed to move in the wind.
  - f. Signs shall not resemble traffic control signs or devices.
10. Violations:
  - a. Any person, firm or corporation who fails to obtain a permit as provided in Subsection 2 above, or violates any provisions of Subsection 18.76.240(K) relating to the placement of any temporary directional signs in the public right-of-way shall be guilty of an infraction, and shall be punishable by a fine upon conviction as prescribed in Section 18.76.410(A) of this Chapter.

L. Building Attached Signs. On-site signs and structures painted upon or affixed to any church, school, public building or similar institutional facility, subject to the following conditions:

1. The sign area shall not exceed one square foot of sign area for each lineal foot of building frontage for building attached signs.

a. The maximum letter height for building attached signs shall not exceed twenty (20) inches. The Director of Community Development may allow an increase in the maximum letter height for buildings setback more than twenty-five feet from the public right-of-way and provided the increased letter height is not excessive for sign purposes and is proportional to the surface on the building where it would be located. Under no circumstances shall the maximum letter height exceed twenty-four (24) inches.

b. All freestanding and building attached signs shall be non-illuminated or indirectly illuminated and shielded from surfaces other than the sign face. (Ord. 1491 N.S. § L, 2000; Ord. 1473 N.S. § 39, 2000; Ord. 1415 N.S. § 41, 1998; Ord. 1323 N.S. § 33, 1997; Ord. 1264 N.S. § 2, 1996; Ord. 1111 N.S. § 65 and 66, 1992; Ord. 1055 N.S. § C (part), 1991; Ord. 980 N.S. § 3 (part), 1990; Ord. 899 N.S. § 21 (part), 1989; Ord. 560 N.S. § A (part), 1981)

#### **18.76.250 Commercial and industrial zone signs.**

The following signs are permitted in the C-N neighborhood commercial, C-G general commercial, C-O administrative office, CS service commercial, HC highway commercial, TUD theme unit development, PUD planned unit development, M-L light industrial, M-G general industrial, and M-C campus industrial, M-O office industrial, and P-F public facilities zones, subject to community development director approval:

A. Construction Signs. Same as subsection A of Section 18.76.240.

B. Real estate Signs. Same as subsection B of Section 18.76.240.

C. Advertising Signs. On-site advertising signs and structures painted upon or affixed to any building, except in shopping centers, subject to the following conditions:

1. The sign area shall not exceed one and one-half square feet of sign area for each lineal foot of building frontage for building attached signs. Where more than one business is located in a building or upon a single parcel of record, the frontage of each separate business building facing the right-of-way shall be considered as building frontage.

2. Where business storefronts face onto a private drive or parking lot aisle, each business may be permitted up to a maximum of one and one-half square feet of sign area per each lineal foot of building frontage. Such signs shall be a part of a uniform sign program.

D. Directional entry and exit signs, same as subsection H of Section 18.76.240.

E. Governmental Agency Signs. Same as subsection I of Section 18.76.240.

F. Shopping Center Advertising Signs. On-site advertising signs in shopping centers, painted upon or affixed to any building, subject to the following conditions:

1. Sign Area. Sign area shall not exceed one and one half square feet of sign area per each lineal foot of building frontage.

a. Where more than one business is located in a building or upon a single parcel of record, the frontage of each separate business facing the right-of-way shall be considered as a building frontage.

b. The maximum letter height for building attached signs shall not exceed twenty four inches. Where a shopping center contains major tenants, each of which occupy a gross square footage of fourteen thousand square feet or more, the maximum letter height may be increased to forty eight inches.

2. Under-canopy Signs. Where a canopy, marquee or eave extends over a walkway, arcade or mall, one under-canopy sign per each business may be permitted; vertical dimension shall not exceed eighteen inches; total area shall not exceed five square feet; eight foot vertical clearance from walking surface; all under-canopy signs shall be of uniform size, design and height, and shall be compatible throughout each development; only the name and type of business should be displayed on under-canopy signs.

3. Freestanding signs; see subsection H of this section.

G. Building Attached Signs in Administrative Office Zone. Building attached signs in administrative office zones advertising only the business conducted or services provided on the premises shall be permitted. Total sign area permitted on the front of the building shall be limited to one square foot of sign area for each lineal foot of building frontage, not to exceed one hundred square feet. Such sign area may be distributed and permitted on each side of the building that faces a public street;

H. On-site Freestanding Signs.

1. For on-site freestanding signs excluding shopping center signs in all commercial and industrial zones the following criteria shall apply:

a. Number of signs: One monument-type freestanding sign shall be permitted per premises.

b. Sign area: Sign area shall not exceed one square foot of sign area per each lineal foot of building frontage, up to a maximum of forty-eight square feet. Up to an additional 36 square feet of sign area may be added to the forty-eight square feet maximum for a permanent year round farmers market use. The additional 36 square feet of sign area shall only contain pricing for seasonal specials and must be incorporated within the same sign structure as permitted in the first part of this paragraph;

c. Sign height: In no case shall the height exceed eight feet.

d. Sign message: Sign messages should have copy identifying the name of the center or primary business within a freestanding building only.

e. Sign location: Freestanding signs in the CO, Administrative Office, zone shall be set back a minimum of ten feet from all public rights-of-way.

f. Lighting. Interior or exterior (indirect) illumination provided such lighting is adequate, but not excessive. Indirect illumination shall be shielded from surfaces other than the sign face. Freestanding signs within the gateway areas of the community as shown in the City of Morgan Hill Scenic Gateway Guidelines, shall be non-illuminated or indirectly illuminated by exterior lighting sources only.

2. For on-site freestanding signs for shopping centers the following criteria shall apply:

a. Number of signs: One monument sign per major street frontage and one monument sign per each freestanding building within the shopping center shall be permitted;

b. Size and message of signs: Monument signs shall not exceed one square foot of sign area per each lineal foot of building frontage, up to a maximum of forty-eight square feet, eight feet in height and the identification of the name of the center. Shopping centers with major tenants each of which occupy a gross square footage of 14,000 square feet or more shall be allowed monument signs using the following criteria:

Number of tenants in excess of 14,000 sq.ft.	Max. number of tenants identified	Max. Square footage	Max. Height
1	1	48 sq. ft.	8 ft.
2	2	48 sq. ft.	8 ft.
3	3	60 sq. ft.	10 ft.
4+	4	75 sq. ft.	12 ft.

Shopping center monument signs shall utilize a minimum of twelve square feet of sign area to display the name of the shopping center and a maximum of twenty-four square feet to display any individual tenant identification. (Ord. 1089, N.S., 1992)

3. i. Freestanding signs in PUD planned unit development, TUD theme unit development and M-P industrial park zone districts may vary, to a limited extent, from the above requirements, provided they are part of a uniform sign program approved by the community development director, with design reasons given for the variation.

ii. On-site freestanding signs on industrial zoned properties may be a maximum height of ten feet provided that minimum lot frontage of subject property is one hundred lineal feet.

I. On-site Directional Signs, All Commercial and Industrial Zones. The community development director may permit up to six permanent directional signs per parcel of record, not to exceed three square feet in area, or four feet in height if freestanding.

J.       Awning Signs. Awning signs in all commercial and industrial zones shall be regulated as attached building signs under all provisions of subsections D and K of Section 18.76.260. Minimum clearance between the ground surface and the bottom of any awning shall be eight feet, except as provided in the adopted Uniform Building Code.

K.       Temporary Directional Signs in park strips by permit. Same as subsection K of Section 18.76.240.

L.       Window Signs. All permanent window signs may not occupy more than twenty-five percent of the window area on which they are placed. Permanent window signs within a shopping center or building housing more than three businesses must be included in an approved uniform sign program. Window sign area shall be included in the total building aggregate sign area, as per subsection D or subsection G1 of this section.

M.       Alleyway, Rear Access Entry and Service Area Signs. Supplemental signage for alleys and serviceways is permitted in addition to all main identification signs, providing that such signs are mounted flat against the wall area and do not exceed twenty-five square feet in total aggregate area.

N.       Subdivision Identification Signs. Same as subsection D of Section 18.76.240.

O.       Off-site Directional Signs. Same as subsection J of Section 18.76.240.

P.       Freestanding Off-site Freeway Signs for Full-service Community Hospitals. Sign criteria for full-service community hospitals shall be applicable as follows:

1.       The proposed sign shall be located within one hundred feet of the freeway right-of-way and near the closest freeway off-ramp to the site;

2.       Messages on such signs shall be limited to the name of the hospital, address and hours of operation;

3.       The proposed sign shall not exceed fifteen feet in height and four hundred eight square feet in sign area;

4.       Only one off-site sign per use shall be permitted.

Q.       Off-site Directional Signs for Full-service Community Hospitals.

1.       In addition to off-site freeway signs, as defined in subsection R, full-service community hospitals may be permitted additional off-site directional signs when the community development director finds that additional signs are necessary to provide adequate direction to the facility.

2.       Such additional signs shall conform to the following standards:

a.       The sign shall be limited to six feet in height and fifteen square feet in area;

b.       Messages on the off-site directional sign shall be limited to the name of the facility, address and hours of operation. (Ord. 1473 N.S. § 40, 2000; Ord. 1264 N.S. §§ 3 & 4, 1996; Ord. 1216 N.S. § 1, 1995; Ord. 1134 N.S. §16, 1993; Ord. 1111 N.S. § 67, 1992; Ord. 1089, N.S., 1992; Ord. 992 N.S. §§ 1, 2, 1990; Ord. 899 N.S. §§ 2 (part), 21 (part), 1989; Ord. 623 N.S. § A, 1983; Ord. 590 N.S. § A, 1982; Ord. 560 N.S. § A (part), 1981)

## **18.76.260 Downtown design plan area and CC-R zone signs.**

The following signs are permitted in the CC-R central commercial/residential mixed use zone, and shall conform to standards in the Downtown Design Plan:

- A. Construction Signs. Same as subsection A of Section 18.76.240;
- B. Real Estate Signs. Same as subsection B of Section 18.76.240;
- C. Political Signs. Same as subsection F of Section 18.76.240;
- D. Sign Area and Design.
  - 1. The sign area for building-attached signs shall not exceed one and one-half square feet of sign area per each lineal foot of building frontage, nor exceed one hundred square feet on its principal road side. Where more than one business is located in a building or upon a single parcel of record, the frontage of each separate business facing the right-of-way shall be considered as a building frontage.
  - 2. The design of the signs proposed for all businesses located in the Downtown Design Plan District shall be consistent with the sign guidelines established in the Downtown Design Final Concept Plan (pages 74--79). A finding to this effect must be made by the community development director prior to issuance of a sign permit.
- E. Directory Signs. One directory sign per premises, not interior-illuminated, and not exceeding one square foot for each room or suite occupied as a unit shall be permitted.
- F. Freestanding Signs. One freestanding sign per premises located along street frontages shall be permitted, with a maximum sign height of eight feet and a maximum sign area of forty-eight square feet;
- G. Sign Message. Signs located within the Downtown Design Plan district should identify the name or logo of the business as a dominant message.
- H. Lighting. Indirect illumination shielded from surfaces other than the sign area is discouraged.
- I. Sign Program. Projects or buildings containing more than one business or tenant shall have an overall planned sign program.
- J. Under-canopy Signs. Same as subsection G2 of Section 18.76.250.
- K. Awning Signs. Awning signs are encouraged in the Downtown Design Plan district, and shall be regulated according to the standards of subsection D of this section. Minimum clearance between the ground surface and the bottom of any awning shall be eight feet, except as provided in the adopted Uniform Building Code (see illustration at end of chapter).
- L. On-site Directional Entry and Exit Signs. Same as subsection H of Section 18.76.240.
- M. Governmental Agency Signs. Same as subsection J of Section 18.76.240.
- N. Window Signs. Same as subsection N of Section 18.76.250.
- O. Alleyway and Service Area Signs. Same as subsection O of Section 18.76.250.

P. Portable Signs. In the CC-R zoning district, and only for businesses in buildings which front on Monterey Road, south of West Main Avenue and north of West Dunne Avenue, up to four (4) portable signs will be allowed per side of each block on Monterey Road. Such signs may only advertise the name, business type and/or special promotions of an eligible business and must be located on Monterey Road directly in front of the building which houses the business. Portable signs may not exceed 3 ½ feet in height and 2 ½ feet in width. Portable signs shall be located at least 1 foot from the curb, not located in landscape planters; and shall not be located at sidewalk intersections. Sidewalk intersections are defined as those sidewalk areas bounded on two sides by intersecting streets and on the other two sides by the linear extension of the front and side property lines of corner parcels to the street which create the corner. Portable signs shall be located to assure an open pedestrian path at least 4 feet in width unobstructed by portable signs. Portable signs shall be constructed of durable materials of sufficient weight to resist wind pressure. Portable signs shall be allowed only when validated by a permit issued by the City of Morgan Hill or its designee, and only upon verification of insurance in an amount and form acceptable to the City by the sign owner and of indemnification of the City against all claims or injuries in connection with the signs. (Ord. 1243 N.S. § 5, 1995; Ord. 1111 N.S. § 68, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 560 N.S. § A (part), 1981)

#### **18.76.270 Freestanding freeway-oriented signs in commercial and industrial zones.**

These regulations shall apply to those businesses in CG, C0, HC, PUD and TUD commercial zones and industrial parks (PUD zones of one hundred acres or more) located within one hundred feet from the edge of the right-of-way of any state or federal freeway.

A. Freestanding Freeway Signs in Commercial Zones. One freestanding sign; maximum sign area, seventy-two square feet west of the South Valley Freeway and eighty-four square feet east of the South Valley Freeway; maximum height, thirty-five feet west of the South Valley Freeway and forty feet east of the South Valley Freeway.

B. Freestanding Freeway Signs in Industrial Parks (MP and PUD Zones). One freestanding sign identifying name of industrial park or primary tenant; maximum sign area seventy-two feet west of the South Valley Freeway and eighty-four feet east of the South Valley Freeway; maximum sign height thirty-five feet; design review required; sign must be on property located within one hundred feet of the freeway right-of-way.

C. Shared Use Freestanding Signs in Commercial and MO, Office-Industrial Zones. Freestanding signs which advertise more than one business and which are within 100 feet of the South Valley Freeway may have the following dimensions in order to be more visible from the freeway:

1. Height: Fifty feet for a sign of two or more businesses, located west of the South Valley Freeway; fifty-five feet for a sign of two or more businesses located east of the South Valley Freeway and the parallel drainage channel.

2. Area: a maximum of seventy-two square feet per business west of the South Valley Freeway and eighty-four square feet east of the South Valley Freeway. All businesses advertising on one sign, combined together, may have up to two hundred, eighty square feet of business message sign area if west of the freeway and three hundred thirty square feet if east of the freeway and channel. No more than six businesses may advertise or be identified on a single sign. In addition, up to ninety square feet of sign area may be allowed for a shopping center west of the freeway and one hundred square feet for a shopping center east of the freeway, to identify the name of the center as a whole.

3. Eligibility: such sign poles or pylons may only advertise businesses which are either freeway-dependent such as restaurants and motels and which are on properties which are located within two hundred feet of the South Valley Freeway right-of-way; or businesses which contain at least fifteen thousand square feet under one roof and are located on properties zoned HC Highway Commercial, PUD Planned Unit Development, TUD Theme Unit Development or C-G General Commercial, and are located within two hundred feet of the South Valley Freeway right-of-way.

4. Location: On-site signs: one pole or pylon sign per project or development may be located in that project or development in a PUD, TUD, HC or CG zone, adjacent to the South Valley Freeway. Off-site signs: Sign poles or pylons may be located off-site in an HC, CG, PUD, TUD or MO zoned parcel which is adjacent to the South Valley Freeway, subject to approval of a conditional use permit as prescribed in Section 18.76.075 of this Title. Pole or pylon signs shall be spaced at least two hundred feet apart.

5. Allowable Sign Message: Signs may advertise the names of businesses which are located in the same project or development as the shared freeway-oriented sign and/or may advertise other eligible businesses subject to the other provisions of this section and the following:

a. If a project or development contains an on-site pole or pylon sign, no business within that project or development may advertise on an off-site sign.

b. If a project or development has an off-site pole or pylon sign, businesses within that project or development may only advertise on that off-site sign.

6. Use of Existing Off-site Pole or Pylon Shared Use Signs: A new pole or pylon sign shall only be approved when the community development director determines that no pole or pylon sign exists which could reasonably advertise the uses in that new project. The determination of reasonableness shall include the following factors:

a. No sign exists on the same side of Highway 101 and in the vicinity of the new project which could advertise all eligible uses within the new project in addition to the existing message(s) on the sign and still adhere to the provisions of this section; and

b. The businesses currently advertised on the existing sign are not compatible with the businesses in the new project.

c. The only existing sign or signs suffer from age and economic obsolescence so that the sign or signs do not offer an equal advertising opportunity for new sign messages.

7. Provision of Additional Sign Messages: All new pole or pylon signs approved pursuant to the provisions of this section shall provide for the identification of future eligible off-site businesses unless it is determined by the community development director that:

a. There is no future need for pole or pylon signage in the vicinity;

b. The capacity of the new sign for identification of future uses would be inadequate for any projected future off-site businesses in the vicinity; or

c. Future businesses would not be compatible with the businesses to be advertised on the new sign.

The owner of new signs which provide for identification of future businesses shall covenant with the city to develop and to offer additional panels on the sign to other eligible businesses pursuant to this section, for the purpose of establishing a shared use sign. The owner of a new pole or pylon sign may charge a proportional share of the cost of installing and maintaining the sign to any business which subsequently shares the sign. (Ord. 1473 N.S. § 41, 2000; Ord. 1323 N.S. § 34, 1997; Ord. 1134 N.S. § 17, 1993; Ord. 1111 N.S. § 69, 1992; Ord. 560 N.S. § A (part), 1981)

#### **18.76.280 Historical signs.**

The city council may, from time to time, declare certain signs to be of historical value to the city; in this case, such signs shall be renamed "historical signs." Under such an official declaration, the appointed signs shall be exempt from any abatement regulations and may, therefore, remain at their present location for an indefinite period of time; providing, however, that such appointed signs are properly maintained by the property owner or sign user in accordance with Sections 18.76.310 and 18.76.320 of this chapter. (Ord. 560 N.S. § A (part), 1981)

#### **18.76.290 Agricultural stand signs.**

A. Definitions. As used in this chapter:

1. "Agricultural stands" means any building or structure used for the sale of agricultural-oriented products such as fruits, nuts, vegetables and wine products. Such stand shall be located within the city limits.

2. "Agricultural stand sign" means and is defined as a sign providing only the name and location of the agricultural stand, and may list individual items sold.

B. Where Permitted. Agricultural stand signs are permitted in the HC highway commercial and OS open space zoning districts.

C. Restrictions.

1. No more than four such signs per agricultural stand shall be permitted within the city limits, one of which may be off-site.

2. No such sign shall exceed thirty-two square feet in area.

3. The bottom line of such sign shall be at least eighteen inches, but not more than eight feet above ground level immediately below. No such sign shall project into or over existing or future public right-of-way, as shown on the General Plan, of streets and highways, or as shown on adopted specific plans.

4. Such signs may be constructed of wood if located more than sixty feet from any building.

5. The applicant shall file with the building official the property owner's written consent to erect the sign.

D. Agricultural stands are permitted building attached and freestanding business identification signs, pursuant to subsection I of Section 18.76.250 and subsection A of Section 18.76.270 of this chapter, in addition to signs permitted in this section. (Ord. 560 N.S. § A (part), 1981)

### **18.76.300 Special sign districts.**

For purposes of creating an integrated sign theme or for establishing redevelopment projects, special sign districts may be created by ordinance in response to petition by a majority of sign users within a district, and approved by a majority vote of the city council. Such districts shall be considered and voted upon by the planning commission with recommendation to the city council. However, those requirements set forth in Sections 18.76.230 through 18.76.270 of this chapter shall not be exceeded in any such special sign district. Those applicable procedures followed in land use changes shall be used in the establishment of such districts. (Ord. 1111 N.S. § 70, 1992; Ord. 560 N.S. § A (part), 1981)

## **Article V. Construction, Maintenance and Repairs**

### **18.76.310 Building code compliance required.**

All signs shall comply with the appropriate detailed provisions of the city building code and the Uniform Sign Code relative to design and construction, structural integrity, connections and safety. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards set forth in Section 18.76.320. (Ord. 560 N.S. § A (part), 1981)

### **18.76.320 Construction specifications.**

A. Each sign hereafter erected or remodeled shall bear, in a permanent position, clearly legible identification decals stating the firm or corporation responsible for its construction and erection. Electric signs shall be marked with input amperages at the full-load input.

B. Each sign shall have a specified sticker provided by the building department that identifies the permit number that was originally issued by the building inspector, and such sticker must be visibly placed on the frame or outer perimeter of the sign.

C. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening, unless authorized by special user permit. No sign shall be attached in any form, shape or manner which will interfere with an opening required for ventilation, except in circumstances when not in violation of the building or fire prevention codes.

D. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the electrical code and the regulations of the Public Utilities Commission.

E. Certain signs shall be properly guttered and connected with downspouts to storm sewers, so that water will not drip or flow into public sidewalks or streets.

F. All permanent freestanding signs or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from steel or other such materials as approved by the building code.

G. All signs of a building shall be constructed to withstand wind loads, acceptable to the building official.

H. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections. (Ord. 560 N.S. § A (part), 1981)

**18.76.330 Maintenance and repair--Removal authorized when.**

Every sign shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety standards, the building inspector shall require its removal in accordance with this section and Sections 18.76.340 through 18.76.360. (Ord. 560 N.S. § A (part), 1981)

**18.76.340 Replacement after damage or use change.**

When it is determined by the building inspector that a sign has been damaged beyond fifty percent of its serviceable value, or when the face or structure of the sign requires alteration or change because of a change in the nature of the business use which occupies a building structure, such sign must then be made to conform to all provisions of this chapter. (Ord. 560 N.S. § A (part), 1981)

**18.76.350 Abandoned signs.**

A. Except as otherwise provided, any sign which is located on property which becomes vacant and unoccupied for a period of sixty days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. The building inspector shall prepare a notice which will describe the sign and specify the violation involved, and which shall state that if the sign is not removed or the violation is not corrected within ten days, the sign shall be removed by the building inspector in accordance with the provisions of this chapter. All notices sent by the building inspector shall be sent by certified mail.

B. Any person having an interest in the sign or the property may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal with the planning commission within thirty days after receipt of the notice, if the notice was not mailed.

C. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of one hundred twenty days or more. (Ord. 560 N.S. § A (part), 1981)

**18.76.360      Removal--Public safety emergency.**

A.      When it is determined by the building inspector that a sign shall cause imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the building inspector may correct the danger. The building inspector shall cause to have removed any sign that endangers the public safety, such as abandoned, materially dangerous, electrically or structurally defective signs, or a sign for which no permit has been issued according to the provisions of this chapter.

B.      Any sign removed by the building inspector pursuant to the provisions of this section and Sections 18.76.330 through 18.76.350 shall become the property of the city, and may be disposed of in any manner deemed appropriate by the city. The cost of removal of a sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as provided in this code. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal. (Ord. 560 N.S. § A (part), 1981)

## **Article VI. Enforcement and Appeals**

### **18.76.370 Administration--Community development director authority.**

This chapter shall be administered by the community development director, who is authorized and directed to enforce all provisions of this chapter. The community development director is authorized to promulgate procedures consistent with the purpose of this chapter, and is further empowered to delegate the duties and powers granted to and imposed upon him under this chapter. (Ord. 560 N.S. § A (part), 1981)

### **18.76.380 Construction guidelines--Inspection.**

Construction of all signs, and their attachment, is governed by the regulations of the Uniform Electrical Code, the Uniform Sign code, and this chapter, as adopted by the city, and shall be inspected and approved by the building inspector. (Ord. 560 N.S. § A (part), 1981)

### **18.76.390 Abatement for noncompliance.**

The city, through its authorized agents, including the building inspector or any person as defined in this chapter, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with any provision of this code, or the erector, owner or user of an unlawful sign, or owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this chapter and/or the erection, use or display of an unlawful sign. (Ord. 560 N.S. § A (part), 1981)

### **18.76.395 Variances.**

The planning commission may approve signs which vary from the height or area requirements pursuant to Chapter 18.60 of Division I of this Title. Application for a variance shall be submitted by the property owner, or agent, to the community development department on a form prescribed for that purpose by the city. (Ord. 1111 N.S. § 71, 1992)

**18.76.400      Appeal procedure.**

Any person aggrieved by any decision or order of the community development director may appeal the decision or order to the planning commission. Appeals shall be in writing and must be filed within ten days of the date of the decision or order which is being appealed. Any person not satisfied with the decision of the planning commission may appeal the decision to the city council in writing submitted to the community development department within ten days of the date of the planning commission decision. (Ord. 1111 N.S., § 72, 1992; Ord. 899 N.S. § 23, 1989; Ord. 560 N.S. § A (part), 1981)

**18.76.410      Violation--Notice--Penalty.**

A. Any person who violates or fails to comply with any of the provisions of this chapter, or the erector, owner or user of an unlawful sign, or the owner of property on which an unlawful sign is located, shall be deemed a nuisance, and may be summarily abated by the city as provided in Section 1.24.020.

B. The community development department shall give notice of violation of this chapter by certified mail to the owner of the premises and business in violation; failure of the owner or business to comply with all the provisions of this chapter within thirty days of receipt of written notice of violation shall be punishable as a nuisance as stated above. (Ord. 1323 N.S. § 35, 1997; Ord. 560 N.S. § A (part), 1981)